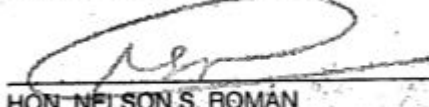


Defense counsel's request to reschedule the Sentencing on Monday, Feb. 12, 2024 from 9:45 am to 1:00 pm is GRANTED.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

Dated: White Plains, NY  
February 9, 2024

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA )

v. )

SHAWN RAINS )

7:22-CR-00018-NSR-2

**MOTION TO CONTINUE SENTENCING HEARING**

Mr. SHAWN RAINS, pursuant to Fed. R. Crim. P. 32(b)(2) respectfully moves this Court to continue the Sentencing Searing from February 12, 2024, at 9:45AM to February 12, 2024, at 1:00PM or to a date and time as agreed upon by the parties.

**I. Procedural History**

On January 11, 2022, a federal grand jury in the Southern District of New York indicted Mr. Rains with mail fraud, mail fraud conspiracy, and money laundering conspiracy. (Super. Indict., ECF No. 2.)

On February 15, 2022, Mr. Rains surrendered to law enforcement voluntarily (*see* Docket Entry Feb. 16, 2022); and was released on conditions the following day. (Secured Appear. Bond, ECF No. 11.)

This Court held Mr. Rains' jury trial from October 11 through October 13, 17-20, 2023. (*See generally* Docket Report). On October 20, 2023, the Jury returned a Verdict finding Mr. Rains guilty on Counts 1 –

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 02/09/2024

3. (*See* Jury Verdict). On January 11, 2024, this Court moved Mr. Rains' Sentencing hearing to February 12, 2024, at 9:45 AM. (Memo Endorsement, ECF No. 107.)

## **II. Factual Assertions**

Mr. Rains requests that the Sentencing Hearing be rescheduled to 1:00PM on February 12, 2024, as Mr. Rains' primary attorney, Mr. Murdoch Walker II, Esq., is an out-of-state attorney and fully intends on representing Mr. Rains at sentencing. Given his out-of-state status and some travel complications caused by having the hearing at 9:45 AM, Mr. Rains prays that the Court might be amenable to conducting the hearing during an afternoon setting to allow Mr. Walker the necessary transit time.

Additionally, the Court has a trial scheduled for 10:30AM that same day. Mr. Rains has several outstanding objections to his Pre-sentence Report, (Mot., ECF No. 115) and, based on conversations with the opposing counsel, the parties anticipate needing more 45 minutes for allocution and argument at the Sentencing Hearing.

## **III. Memorandum of Law and Argument**

A "court must impose sentence without unnecessary delay." Fed. R. Crim. P. 32(b)(1). However, a "court may, for good cause, change

any time limit prescribed in [Federal Rule of Criminal Procedure 32].  
Fed. R. Crim. P. 32(b)(2).

Mr. Rains respectfully submits that good cause exists for this Court to change the date of sentencing such that counsel of his choosing can be present for representation. This request is not intended for dilatory delay but is sought in truth and fact because of an attorney conflict.

#### **IV. Opposing Party's Position**

The Government has not provided a position on this request.

#### **V. Conclusion**

Mr. Rains, based on the foregoing factual assertions and argument, prays that this Court will reschedule the sentencing hearing that is currently set for February 12, 2024, at 9:45 AM, to February 12, 2024, at 1:00 PM, or to a date and time as agreed upon by all parties.

Date: February 8, 2024

Respectfully submitted,

*s/Murdoch Walker II*  
Murdoch Walker, II. Esq.  
Ga. Bar No. 163417  
[mwalker@lowtherwalker.com](mailto:mwalker@lowtherwalker.com)

Lowther | Walker LLC  
101 Marietta St., NW, Ste. 3650  
Atlanta, GA 30303

404.496.4052  
[www.lowtherwalker.com](http://www.lowtherwalker.com)

Attorney for Defendant  
Shawn Rains

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	7:22-CR-00018-NSR-2
	)	
SHAWN RAINS	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2024, I electronically filed the foregoing MOTION TO CONTINUE SENTENCING HEARING with the Clerk of the United States District Court for the Southern District of New York by way of the CM/ECF system, which automatically will serve this document on the attorneys of record for the parties in this case by electronic mail.

Date: February 8, 2024

Respectfully submitted,

*s/ Murdoch Walker II, Esq.*  
Murdoch Walker, II. Esq.  
Ga. Bar No. 163417  
[mwalker@lowtherwalker.com](mailto:mwalker@lowtherwalker.com)

Lowther | Walker LLC  
101 Marietta St., NW, Ste. 3650  
Atlanta, GA 30303  
404.496.4052  
[www.lowtherwalker.com](http://www.lowtherwalker.com)